

1 L. Edward Humphrey, Esq., NSB 9066
 2 Patrick O'Rourke, Esq., NSB 13557
2 HUMPHREY O'ROURKE PLLC
 3 201 W. Liberty Street, Suite 350
 Reno, Nevada 89501
 4 Tel: (775) 420-3500
 Fax: (775) 683-9917
 5 ed@hlawnv.com
patrick@hlawnv.com

6 *Attorneys for Steven and Terre Baldwin,
 7 Big Water Investments, LLC, and Kevin
 Horowitz, sole proprietor of St. Helena
 8 Construction Company*

1 Louis M. Bubala III, Esq. NSB 8974
KAEMPFER CROWELL
 2 50 W. Liberty St., Ste. 1100
 Reno, Nevada 89501
 Tel: (775) 852-3900
 Fax: (775) 327-2011
 3 lbubala@kcnvlaw.com
4 Attorneys for Rock & Rose, Inc.

5 Seth J. Adams, Esq., NSB 11034
6 WOODBURN AND WEDGE
 6 6100 Neil Rd., Ste. 500
 Reno, Nevada 89511
 Tel: (775) 688-3300
 Fax: (775) 688-3088
 7 sadams@woodburnandwedge.com
8 Attorneys for Woodburn and Wedge

9

10

11

12 **UNITED STATES BANKRUPTCY COURT**

13

14 **DISTRICT OF NEVADA**

15 In Re:
 16 SCOTT A. CORRIDAN,
 17 Debtor.

18 Case No.: 22-50366-hlb
 Chapter 7

19 **Adv. No. 23-05013-hlb**

20 EDWARD M. BURR, in his capacity as
 21 Chapter 7 Trustee for the bankruptcy estate of
 SCOTT CORRIDAN,

22 Plaintiff,

23 vs.

24 STEVEN BALDWIN; TERRE BALDWIN;
 BIG WATER INVESTMENTS, LLC, a
 25 Nevada limited liability company; ROCK &
 ROSE, INC.; WOODBURN & WEDGE; and
 KEVIN HOROWITZ, sole proprietor of ST.
 HELENA CONSTRUCTION COMPANY,

26 Defendants.

27 **DISPUTED LIEN CLAIMANTS'**
COUNTERMOTION FOR JUDGEMENT
ON THE PLEADINGS OR, IN THE
ALTERNATIVE, COUNTERMOTION
FOR SUMMARY JUDGEMENT
AGAINST TRUSTEE ON CLAIMS 1-4
AND 6, AND REQUEST FOR COURT TO
DIRECT ENTRY OF FINAL
JUDGEMENT

28 Hearing Date: March 29, 2024
 Hearing Time: 1:30 p.m.

1 Creditors and Defendants Steven and Terre Baldwin (collectively, “Baldwins”), Big
 2 Water Investments, LLC (“Big Water”), Kevin Horowitz, sole proprietor of St. Helena
 3 Construction Company (“Horowitz”), Rock & Rose, Inc. (“Rock”), and Woodburn and Wedge
 4 (“Woodburn” and together with Baldwin, Big Water, and Rock the “Disputed Lien Claimants”),
 5 through their undersigned counsel of record, file this Counter motion for Judgment on the
 6 Pleadings or, in the Alternative, Counter motion for Summary Judgment Against the Trustee, in
 7 response to *Plaintiff’s Motion for Judgement on the Pleadings or, in the Alternative, Motion for*
 8 *Summary Judgement Against all Defendants on Claims 1-4 and 6, and Request for Court to*
 9 *Direct Entry of Final Judgement*, initially filed on January 12, 2024, at Adv. ECF No. 20
 10 (“MSJ”).^{1, 2}

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 For the reasons set out in the *Disputed Lien Claimants’ Joint Opposition To Plaintiff’s*
 13 *Motion For Judgment On The Pleadings Or, In The Alternative, Motion For Summary*
 14 *Judgment Against All Defendants On Claims 1-4 And 6, And Request For Court To Direct Entry*
 15 *Of Final Judgment* filed on February 16, 2024, at Adv. ECF No. 37, which is fully incorporated
 16 herein by this reference, the Disputed Lien Claimants submit that entry of judgment in their
 17 favor is appropriate on all lien related claims alleged in the Trustee’s Amended Complaint, filed
 18 October 13, 2023, at Adv. ECF No. 6. *See In re Calder*, 94 B.R. 200, 203 (D. Utah 1988)
 19 (stating, “[u]nder Rule 56, the Court, upon motion by one party for summary judgment [also]
 20 has the power to grant summary judgment against the moving party and in favor of the non-
 21 moving party, although the latter has not filed a cross-motion for summary judgment”).

22

23

24

25 ¹ All References to “Bankruptcy Case” are to the underlying bankruptcy case of Scott A. Corridan, case
 26 no. 22-50366-HLB, all references to “BK ECF No.” and/or “BK DE” are to the docket entries in that
 27 Bankruptcy Case and all references to “Adv. ECF No.” and/or “Adv. DE” are to docket entries in this
 adversary proceeding. All future references to “Code,” “Section,” and “§” are to the Bankruptcy Code,
 Title 11 of the United States Code, unless otherwise indicated.

28 ² This version of the Counter motion is being refiled to replace Adv. ECF No. 39, per the Notice of
 Docketing Error entered at Adv. ECF No. 42.

Accordingly, the Disputed Lien Claimants request entry of a final judgment in their favor on the Trustee's First, Second, Third, and Fourth Claims for relief asserted in the Amended Complaint, as well as all aspects of the Trustee's Sixth Claim for relief that implicate the First through Fourth Claims for Relief.

DATED: February 20, 2024.

HUMPHREY O'ROURKE PLLC

By: /s/ *L. Edward Humphrey*

L. Edward Humphrey, Esq.

Attorneys for Steven and Terre Baldwin, Big Water Investments, LLC, and Kevin Horowitz, sole proprietor of St. Helena Construction Company

KAEMPFER CROWELL

WOODBURN AND WEDGE

By: /s/ Louis M. Bubala II

Louis M. Bubala III, Esq.

Attorneys for Rock & Rose, Inc.

By: /s/ *Seth J. Adams*

Seth J. Adams, Esq.

Attorneys for Woodburn and Wedge